

William Harrelson Email to the CPUC Sent on December 9, 2003

MCI has no additions or corrections to the staff report. MCI does not have the resources to file separate input to the report at this time, other than the following, but may join in AT&T's, CALTEL's, or both those parties' separate inputs to the report. MCI is generally coordinating with CALTEL and AT&T in this phase of the proceeding.

MCI would emphasize that, if the ILECs are allowed to file supplemental testimony for a prima facie trigger showing due to the alleged incomplete status of discovery at the time their scheduled November filing was due, they be limited to supplementing the record only for facts acquired in discovery that were not available at the time of their November filing. Neither SBC California nor Verizon California should be permitted to add new routes or customer locations to their impairment challenge nor should they be allowed to file potential deployment cases. On the first point, allowing them to add new routes or locations would be directly contrary to the express requirement of the ALJ's Ruling that they identify the routes and locations they seek to challenge in their November testimony. On the second point, there is no reason the ILECs could not have presented a potential deployment analysis in their November testimony and they chose not to. Now it is too late to allow them to file such cases and also allow the other parties to adequately respond without further delay of this phase. If a supplemental filing by the ILECs is allowed, the CLEC parties should be given adequate time to reply consistent with the time for reply in the original schedule and the CLEC reply scheduled for December should be extended to that later date. That is, there should be only one, extended time for the CLECs to file reply testimony.

The foregoing does not waive nor is it meant to prejudice in any way any parties argument that the ILECs should not be permitted to supplement their November filing.

Thanks, Bill